

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO

* * *

RE: SEPTEMBER 13, 2021 FOURTH
DISTRICT JURY TRIALS SUSPENSION

ADMINISTRATIVE ORDER

NO. 21-09-09

Administrative Order No. 21-09-03 allowed jury trials to resume in Ada County and Valley County on September 13, 2021. That order also specified that the court would continue to assess the COVID-19 situation and could preclude jury trials by further order, if circumstances warranted. Jury trials were already suspended for that time period in Boise County and Elmore County.

As of yesterday, Ada County's COVID-19 seven-day moving average incidence rate remains below the Idaho Supreme Court's threshold for holding jury trials, as does Valley County's.¹ However, Ada County's COVID-19 hospitalization and ICU admission rates remain very high and the number of ICU beds available in Ada County is now extremely low.²

¹See Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 1-2.

²According to the most recent available information, there is one ICU bed available in Ada County and ten ICU beds available in the entire state:

<https://public.tableau.com/app/profile/central.district.health/viz/CDHCOVID-19/CDHCOVID-19Information>

<https://public.tableau.com/app/profile/idaho.division.of.public.health/viz/DPHIdahoCOVID-19Dashboard/Home>.

Ada County hospitals receive patients from counties other than Ada County and the most recent COVID-19 seven-day moving average incidence rate numbers from neighboring counties³ remain high.⁴

Exercising the discretion permitted to the Administrative District Judge in these circumstances,⁵ Administrative Order No. 21-09-03 is rescinded as to the resumption of jury trials in Ada County and Valley County. **There will be no jury trials in the Fourth Judicial District for the calendar week of September 13, 2021.**⁶

As provided in the Supreme Court's Order, "the time used to calculate the right to a speedy trial pursuant to I.C. § 19-3501 shall be deemed to have been tolled for those counties affected by said order." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4.

IT IS SO ORDERED.

Dated this 9th day of September 2021.

DocuSigned by:
Judge Steven Hippler
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HONORABLE STEVEN J. HIPPLER
Administrative District Judge

³Canyon County (50.7/100,000), Gem County (49.7/100,000), and Owyhee County (45.9/100,000).

⁴The hospital and ICU bed availability situation is such that crisis measures have been implemented in North Idaho: <https://healthandwelfare.idaho.gov/news/idaho-activates-crisis-standards-care-north-idaho-due-surge-covid-19-patients-requiring> ("Idaho activates Crisis Standards of Care in North Idaho due to surge in COVID-19 patients requiring hospitalization.").

⁵The Administrative District Judge retains the discretion to "enter an order prohibiting the commencement of jury trials or the impanelment of a grand jury in a county where there are circumstances beyond the acceptable incidence rates which pose a substantial increase in the health or safety risks to participants. Such an order shall be in writing and contain the factual basis for the determination and shall upon entry be submitted via email to the Administrative Office of the Courts." Idaho Supreme Court's June 25, 2021 Amended Order Re: Emergency Order Regarding Court Services, at 4 (#8).

⁶This suspension order does not apply to grand jury proceedings in Ada County.

cc: All Judges
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Brian Naugle, Valley County Prosecutor
Jayme Sullivan, Boise City Prosecutor
Charles Wadams, Garden City Prosecutor
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Rob Chastain, Boise County Public Defender
Terry Ratliff, Elmore County Public Defender
Scott Erekson, Valley County Public Defender
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